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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DMF, Inc.,

Plaintiff,

— v. —

AMP Plus, Inc. d/b/a ELCO Lighting,
and ELCO Lighting Inc.,

Defendants.

No. 2:18-cv-07090-CAS-GJSx

**ORDER GRANTING MOTION FOR
RECONSIDERATION [843]**

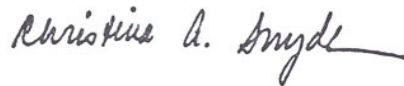
DMF, Inc. (“DMF” or “Plaintiff”) filed a motion for reconsideration of the Court’s ruling on objections to the proposed final judgment. “Motion,” Docket No. 843. AMP Plus, Inc. d/b/a ELCO LIGHTING and ELCO Lighting, Inc (“ELCO” or “Defendants”) filed an opposition. “Opp’n,” Docket No. 849. DMF replied. “Reply,” Docket No. 854. The issues presented are appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78; L.R. 7-15. The hearing set for November 4, 2024 is **VACATED**. For the following reasons, the Court **GRANTS** DMF’s Motion.

Local Rule 7-18(c) allows reconsideration upon “a manifest showing of a failure to consider material facts presented to the Court before such decision.” L.R. 7-18(c). In its prior ruling, the Court ordered DMF to omit language regarding enforceability. Prior

1 Ruling, Docket No. 841 ¶ 4. The Court made this ruling based on ELCO's representation
2 that "[t]here was no challenge based on 'unenforceability' and the Court did not make any
3 findings with regard to . . . 'unenforceability.'" ELCO's Objections, Docket No. 835 ¶ 4.
4 The Court overlooked DMF's footnote objecting to ELCO's objections for not including
5 prior dispositive rulings on unenforceability and inequitable conduct. Status Report,
6 Docket No. 839 at 2 n.3. DMF is correct here. The Court granted DMF's motion for
7 summary judgment on ELCO's unclean hands defense to the extent that ELCO's defense
8 was based on DMF's alleged misrepresentations to the PTO. Summary Judgment Order,
9 Docket No. 499 at 33. Accordingly, DMF may include unenforceability in its proposed
10 judgment. ELCO's procedural arguments are not persuasive.

11 **IT IS SO ORDERED.**

12 Dated: October 28, 2024

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16 Christina A. Snyder
17 UNITED STATES DISTRICT JUDGE
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